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#### REMARKS/ARGUMENTS

Claims 1-5, 11, and 13-15 are pending in this application. By this Amendment, Applicant AMENDS claims 1 and 3 and ADDS claims 13-15.

Claims 1-5 and 11 were rejected under 35 U.S.C. 102(e) as being anticipated by Agarwal et al. (US Pat. No. 6,201,276). Applicant respectfully traverses the rejection of claims 1-5 and 11.

Claim 1 has been amended to recite:

"An MIM capacitor comprising:  
a lower electrode comprising a plurality of metal layers including a top metal layer;  
an upper electrode; and  
a dielectric layer positioned between said lower electrode and said upper electrode,  
wherein the top metal layer includes an insulating metal oxide layer disposed on the entire surface thereof; and  
**wherein the lower electrode is formed by a first titanium layer, a platinum layer, a gold layer, and a second titanium layer.**" (emphasis added)

Applicant's claim 1 recites the feature of "wherein the lower electrode is formed by a first titanium layer, a platinum layer, a gold layer, and a second titanium layer." With the improved features of claim 1, Applicant has been able to provide a downsized, high-capacity MIM capacitor provided on a compound semiconductor substrate (see, for example, the first full paragraph on page 2 of the originally filed Specification).

Applicant has amended claim 1 to recite the feature of "wherein the lower electrode is formed by a first titanium layer, a platinum layer, a gold layer, and a second titanium layer." Agarwal et al. clearly teaches in lines 20-23 of column 4 that the lower electrode layer 14 can be formed of a layer of "polysilicon, titanium nitride, tungsten, molybdenum, tungsten silicide, tantalum, tungsten nitride, Pt, Ru, RuO.sub.x, Ir, IrO.sub.x, Pt combinations thereof, and the like," **NOT** that the lower electrode is formed by a first titanium layer, a platinum layer, a gold layer, and a second titanium layer as recited in Applicant's claim 1. Thus, Agarwal et al. clearly fails to teach or suggest

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the feature of "wherein the lower electrode is formed by a first titanium layer, a platinum layer, a gold layer, and a second titanium layer, in that order" as recited in Applicant's claim 1.

Accordingly, Applicant respectfully submits that none of the prior art of record, applied alone or in combination, teaches or suggests the unique combination and arrangement of elements recited in claim 1 of the present application.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by Agarwal et al.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claim 1 is allowable. Claims 2-5, 11 and 13-15 depend upon claim 1 and are therefore allowable for at least the reasons that claim 1 is allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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